



# House of Representatives

General Assembly

**File No. 861**

*January Session, 2009*

Substitute House Bill No. 6361

*House of Representatives, April 30, 2009*

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL ASSAULT FORENSIC EXAMINERS PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective July 1, 2009*) (a) There is established a  
2 Sexual Assault Forensic Examiners Advisory Committee consisting of  
3 the following: (1) The Chief Court Administrator, or the Chief Court  
4 Administrator's designee; (2) The Chief State's Attorney, or the Chief  
5 State's Attorney's designee; (3) the Commissioner of Public Health, or  
6 the commissioner's designee; (4) a representative from the Division of  
7 Scientific Services, appointed by the Commissioner of Public Safety; (5)  
8 a representative from the Division of State Police appointed by the  
9 Commissioner of Public Safety; (6) the Victim Advocate, or the Victim  
10 Advocate's designee; (7) the president of the Connecticut Hospital  
11 Association, or the president's designee; (8) the president of the  
12 Connecticut College of Emergency Physicians, or the president's  
13 designee; (9) one member from Connecticut Sexual Assault Crisis  
14 Services, Inc., appointed by its board of directors; (10) one member

15 from the Connecticut Police Chiefs Association, appointed by the  
16 association; (11) one member from the Connecticut Emergency Nurses  
17 Association, appointed by the association; and (12) one member from  
18 the Connecticut Chapter of the International Association of Forensic  
19 Nurses, appointed by the association.

20 (b) The committee shall advise the Office of Victim Services on the  
21 establishment and implementation of the sexual assault forensic  
22 examiners program pursuant to subdivision (18) of subsection (b) of  
23 section 54-203 of the general statutes, as amended by this act, and  
24 section 2 of this act. The committee shall make specific  
25 recommendations concerning: (1) The recruitment of registered nurses,  
26 advanced practice registered nurses and physicians to participate in  
27 such program; (2) the development of a specialized training course  
28 concerning such program for registered nurses, advanced practice  
29 registered nurses and physicians who participate in the program; (3)  
30 the development of agreements between the Judicial Branch, the  
31 Department of Public Health and acute care hospitals relating to the  
32 scope of services offered under the program and hospital standards  
33 governing the provision of such services; (4) individual case tracking  
34 mechanisms; (5) utilization of medically accepted best practices; and  
35 (6) the development of quality assurance measures.

36 (c) The Sexual Assault Forensic Examiners Advisory Committee  
37 shall terminate on June 30, 2012.

38 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) As used in this section,  
39 "sexual assault forensic examiner" means a registered nurse or  
40 advanced practice registered nurse licensed pursuant to chapter 378 of  
41 the general statutes or a physician licensed pursuant to chapter 370 of  
42 the general statutes.

43 (b) A sexual assault forensic examiner may provide immediate care  
44 and treatment to a victim of sexual assault who is a patient in an acute  
45 care hospital and may collect evidence pertaining to the investigation  
46 of any sexual assault in accordance with the State of Connecticut  
47 Technical Guidelines for Health Care Response to Victims of Sexual

48 Assault, published by the Commission on the Standardization of the  
49 Collection of Evidence in Sexual Assault Investigations pursuant to  
50 section 19a-112a of the general statutes, as amended by this act.  
51 Services provided by a sexual assault forensic examiner shall be: (1) In  
52 accordance with the hospital's policies and accreditation standards;  
53 and (2) pursuant to a written agreement entered into by the hospital,  
54 the Department of Public Health and the Office of Victim Services  
55 concerning the hospital's participation in the sexual assault forensic  
56 examiners program. Nothing in this section shall be construed as  
57 altering the scope of the practice of nursing as set forth in section 20-  
58 87a of the general statutes.

59 Sec. 3. Subsection (b) of section 54-203 of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective July*  
61 *1, 2009*):

62 (b) The Office of Victim Services shall have the following powers  
63 and duties:

64 (1) To direct each hospital, whether public or private, to display  
65 prominently in its emergency room posters giving notice of the  
66 availability of compensation and assistance to victims of crime or their  
67 dependents pursuant to sections 54-201 to 54-233, inclusive, and to  
68 direct every law enforcement agency of the state to inform victims of  
69 crime or their dependents of their rights pursuant to sections 54-201 to  
70 54-233, inclusive;

71 (2) To request from the office of the state's attorney, state police,  
72 local police departments or any law enforcement agency such  
73 investigation and data as will enable the Office of Victim Services to  
74 determine if in fact the applicant was a victim of a crime or attempted  
75 crime and the extent, if any, to which the victim or claimant was  
76 responsible for his own injury;

77 (3) To request from the Department of Correction, other units of the  
78 Judicial Department and the Board of Pardons and Paroles such  
79 information as will enable the Office of Victim Services to determine if

80 in fact a person who has requested notification pursuant to section 54-  
81 228 was a victim of a crime;

82 (4) To direct medical examination of victims as a requirement for  
83 payment under sections 54-201 to 54-233, inclusive;

84 (5) To take or cause to be taken affidavits or depositions within or  
85 without the state;

86 (6) To apply for, receive, allocate, disburse and account for grants of  
87 funds made available by the United States, by the state, foundations,  
88 corporations and other businesses, agencies or individuals to  
89 implement a program for victim services which shall assist witnesses  
90 and victims of crimes as the Office of Victim Services deems  
91 appropriate within the resources available and to coordinate services  
92 to victims by state and community-based agencies, with priority given  
93 to victims of violent crimes, by (A) assigning, in consultation with the  
94 Division of Criminal Justice, such victim advocates as are necessary to  
95 provide assistance; (B) administering victim service programs; and (C)  
96 awarding grants or purchase of service contracts in accordance with  
97 the plan developed under subdivision (15) of this subsection to private  
98 nonprofit organizations or local units of government for the direct  
99 delivery of services, except that the provision of training and technical  
100 assistance of victim service providers and the development and  
101 implementation of public education campaigns may be provided by  
102 private nonprofit or for-profit organizations or local units of  
103 government. Such grants and contracts shall be the predominant  
104 method by which the Office of Victim Services shall develop,  
105 implement and operate direct service programs and provide training  
106 and technical assistance to victim service providers;

107 (7) To provide each person who applies for compensation pursuant  
108 to section 54-204, within ten days of the date of receipt of such  
109 application, with a written list of rights of victims of crime involving  
110 personal injury and the programs available in this state to assist such  
111 victims. The Office of Victim Services, the state or any agent, employee  
112 or officer thereof shall not be liable for the failure to supply such list or

113 any alleged inadequacies of such list. Such list shall include, but not be  
114 limited to:

115 (A) Subject to the provisions of sections 18-81e and 51-286e, the  
116 victim shall have the right to be informed concerning the status of his  
117 or her case and to be informed of the release from custody of the  
118 defendant;

119 (B) Subject to the provisions of section 54-91c, the victim shall have  
120 the right to present a statement of his or her losses, injuries and wishes  
121 to the prosecutor and the court prior to the acceptance by the court of a  
122 plea of guilty or nolo contendere made pursuant to a plea agreement  
123 with the state wherein the defendant pleads to a lesser offense than the  
124 offense with which the defendant was originally charged;

125 (C) Subject to the provisions of section 54-91c, prior to the  
126 imposition of sentence upon the defendant, the victim shall have the  
127 right to submit a statement to the prosecutor as to the extent of any  
128 injuries, financial losses and loss of earnings directly resulting from the  
129 crime;

130 (D) Subject to the provisions of section 54-126a, the victim shall have  
131 the right to appear before a panel of the Board of Pardons and Paroles  
132 and make a statement as to whether the defendant should be released  
133 on parole and any terms or conditions to be imposed upon any such  
134 release;

135 (E) Subject to the provisions of section 54-36a, the victim shall have  
136 the right to have any property the victim owns which was seized by  
137 police in connection with an arrest to be returned;

138 (F) Subject to the provisions of sections 54-56e and 54-142c, the  
139 victim shall have the right to be notified of the application by the  
140 defendant for the pretrial program for accelerated rehabilitation and to  
141 obtain from the court information as to whether the criminal  
142 prosecution in the case has been dismissed;

143 (G) Subject to the provisions of section 54-85b, the victim cannot be

144 fired, harassed or otherwise retaliated against by an employer for  
145 appearing under a subpoena as a witness in any criminal prosecution;

146 (H) Subject to the provisions of section 54-86g, the parent or legal  
147 guardian of a child twelve years of age or younger who is a victim of  
148 child abuse or sexual assault may request special procedural  
149 considerations to be taken during the testimony of the child;

150 (I) Subject to the provisions of section 46b-15, the victim of assault  
151 by a spouse or former spouse, family or household member has the  
152 right to request the arrest of the offender, request a protective order  
153 and apply for a restraining order;

154 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,  
155 the victim of sexual assault or domestic violence can expect certain  
156 records to remain confidential;

157 (8) Within available appropriations, to establish a victim's assistance  
158 center which shall provide a victims' rights information clearinghouse  
159 which shall be a central repository of information regarding rights of  
160 victims of crime and services available to such victims and shall collect  
161 and disseminate such information to assist victims;

162 (9) To provide, not later than January 1, 1994, a victims' notification  
163 clearinghouse which shall be a central repository for requests for  
164 notification filed pursuant to sections 54-228 and 54-229, and to notify,  
165 on and after January 1, 1994, persons who have filed such a request  
166 whenever an inmate has applied for release from a correctional  
167 institution or reduction of sentence or review of sentence pursuant to  
168 section 54-227 or whenever an inmate is scheduled to be released from  
169 a correctional institution and, on and after January 1, 1994, to provide  
170 victims of family violence crimes, upon request, information  
171 concerning any modification or termination of criminal orders of  
172 protection;

173 (10) To provide a telephone hotline that shall provide information  
174 on referrals for various services for victims of crime and their families;

175       (11) To provide staff services to a state advisory council. The council  
176 shall consist of not more than fifteen members to be appointed by the  
177 Chief Justice and shall include the Chief Victim Compensation  
178 Commissioner and members who represent victim populations,  
179 including but not limited to, homicide survivors, family violence  
180 victims, sexual assault victims, victims of drunk drivers, and assault  
181 and robbery victims, and members who represent the judicial branch  
182 and executive branch agencies involved with victims of crime. The  
183 members shall serve for terms of four years. Any vacancy in the  
184 membership shall be filled by the appointing authority for the balance  
185 of the unexpired term. The members shall receive no compensation for  
186 their services. The council shall meet at least six times a year. The  
187 council shall recommend to the Office of Victim Services program,  
188 legislative or other matters which would improve services to victims of  
189 crime and develop and coordinate needs assessments for both court-  
190 based and community-based victim services. The Chief Justice shall  
191 appoint two members to serve as cochairmen. Not later than December  
192 fifteenth of each year, the council shall report the results of its findings  
193 and activities to the Chief Court Administrator;

194       (12) To utilize such voluntary and uncompensated services of  
195 private individuals, agencies and organizations as may from time to  
196 time be offered and needed;

197       (13) To recommend policies and make recommendations to agencies  
198 and officers of the state and local subdivisions of government relative  
199 to victims of crime;

200       (14) To provide support and assistance to state-wide victim services  
201 coalitions and groups;

202       (15) To develop, in coordination with the Department of Social  
203 Services, the Department of Public Health, the Office of Policy and  
204 Management, the Department of Children and Families and the  
205 Division of Criminal Justice, a comprehensive plan to more effectively  
206 administer crime victims' compensation and coordinate the delivery of  
207 services to crime victims, including the funding of such services. Such

208 plan shall be submitted to the Governor and the General Assembly not  
209 later than January 1, 1994;

210 (16) Within available appropriations to establish a crime victims'  
211 information clearinghouse which shall be a central repository for  
212 information collected pursuant to subdivision (9) of this subsection  
213 and information made available through the criminal justice  
214 information system, to provide a toll-free telephone number for access  
215 to such information and to develop a plan, in consultation with all  
216 agencies required to provide notification to victims, outlining any  
217 needed statutory changes, resources and working agreements  
218 necessary to make the Office of Victim Services the lead agency for  
219 notification of victims, which plan shall be submitted to the General  
220 Assembly not later than February 15, 2000;

221 (17) To provide a training program for judges, prosecutors, police,  
222 probation and parole personnel, bail commissioners, officers from the  
223 Department of Correction and judicial marshals to inform them of  
224 victims' rights and available services; [and]

225 (18) To establish a sexual assault forensic examiners program that  
226 will train and make available sexual assault forensic examiners to  
227 adolescent and adult victims of sexual assault who are patients at  
228 participating acute care hospitals; and

229 [(18)] (19) To submit to the joint standing committee of the General  
230 Assembly having cognizance of matters relating to victim services, in  
231 accordance with the provisions of section 11-4a, on or before January  
232 15, 2000, and biennially thereafter a report of its activities under  
233 sections 54-201 to 54-233, inclusive, including, but not limited to,  
234 implementation of training activities and mandates. Such report shall  
235 include the types of training provided, entities providing training and  
236 recipients of training.

237 Sec. 4. Subdivision (1) of subsection (e) of section 19a-112a of the  
238 general statutes is repealed and the following is substituted in lieu  
239 thereof (*Effective July 1, 2009*):



240 (e) (1) No costs incurred by a health care facility for the examination  
241 of a victim of sexual assault, when such examination is performed for  
242 the purpose of gathering evidence as prescribed in the protocol,  
243 including the costs of testing for pregnancy and sexually transmitted  
244 diseases and the costs of prophylactic treatment as provided in the  
245 protocol, shall be charged directly or indirectly to such victim. Any  
246 such costs shall be charged to the [Division of Criminal Justice] Office  
247 of Victim Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	54-203(b)
Sec. 4	<i>July 1, 2009</i>	19a-112a(e)(1)

**PH**            *Joint Favorable Subst. C/R*

APP

**APP**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	CICF - Implements the Budget	See Below	See Below

Note: CICF=Criminal Injuries Compensation Fund

**Municipal Impact:** None

**Explanation**

The bill implements the budget by establishing a program that will train and make available sexual assault forensic examiners to adolescent and adult victims of sexual assault who are patients at participating acute care hospitals. Funds, in the amount of \$275,000 in FY 10 and \$275,000 in FY 11, have been included within sHB 6365 (the Appropriations Act for the 2010-11 Biennium, as favorably reported from the Appropriations Committee) for the cost of this new program.

**The Out Years**

The annualized ongoing programmatic cost identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 6361*****AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL ASSAULT FORENSIC EXAMINERS PROGRAM.*****SUMMARY:**

This bill authorizes the Office of Victim Services (OVS) to establish a program to train sexual assault forensic examiners (SAFE) and make them available to adult and adolescent sexual assault victims at participating hospitals. The bill creates a 12-member committee to advise OVS on establishing and implementing the program.

It transfers, to OVS from the Division of Criminal Justice, the responsibility for paying for forensic examinations of rape victims, including testing for HIV and sexually transmitted diseases and providing prophylactic treatment. By law, the facility conducting the exam and providing treatment cannot charge the victim.

Under the bill, a SAFE must be a physician or a registered or advanced practice registered nurse. The bill sets the framework for examiners' services in hospitals.

EFFECTIVE DATE: July 1, 2009

**SEXUAL ASSAULT FORENSIC EXAMINERS ADVISORY COMMITTEE*****Responsibilities***

The committee must make recommendations to OVS on:

1. recruiting participants and developing a specialized training course for them;
2. developing agreements between Judicial Branch, the Public Health Department (DPH), and participating hospitals on the

program's scope of services and hospital standards for providing the services;

3. mechanisms for tracking individual cases;
4. using medically accepted best practices; and
5. developing quality assurance mechanisms.

### **Membership**

The committee consists of:

1. the chief court administrator, chief state's attorney, victim advocate, and DPH commissioner, or their designees;
2. one representative each of the Public Safety Department's Scientific Services and State Police divisions, appointed by the public safety commissioner;
3. the presidents of the Connecticut Hospital Association and Connecticut College of Emergency Physicians, or their designees;
4. a person appointed by the directors of Connecticut Sexual Assault Crisis Services, Inc.;
5. one appointee each from the Connecticut Chapter of the International Association of Forensic Nurses, the Connecticut Police Chiefs Association, and the Connecticut Emergency Nurses Association.

The committee terminates on June 30, 2012.

### **SEXUAL ASSAULT FORENSIC EXAMINER TREATMENT**

Under the bill, a SAFE may provide immediate care and treatment to a sexual assault victim in a hospital and collect evidence. In doing so, the SAFE must follow (1) existing state sexual assault evidence collection protocols, (2) the hospital's policies and accreditation standards, and (3) the hospital's written agreement with OVS and

DPH concerning its participation in the SAFE program.

The bill specifies that it is not to be construed to alter the scope of nursing practice established in statute.

## **BACKGROUND**

### ***Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations***

The legislature established this 14-member commission to (1) recommend a protocol, the "Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault," and revisions to it to the chief state's attorney for adoption as regulations and (2) design a sexual assault evidence collection kit and provide it for free to all health care facilities at which sexual assault evidence is collected. Each facility that provides for the collection of sexual assault evidence must follow the guidelines. The commission must advise the chief state's attorney on establishing a mandatory program to teach facility staff how to implement the protocols, use the evidence kit, and handle evidence.

The law also requires the commission annually to advise the chief state's attorney on the program's implementation and effectiveness (CGS § 19a-112a).

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute Change of Reference  
Yea 30 Nay 0 (03/09/2009)

Appropriations Committee

Joint Favorable Substitute  
Yea 53 Nay 1 (04/15/2009)